

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office

Phone (415) 355-7900 Fax (415) 355-8566

<http://www.ca9.uscourts.gov/mediation>**MEDIATION QUESTIONNAIRE**

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are **not** confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s):	16-55286		
District Court/Agency Case Number(s):	14-cv-1749-GPC-DHB		
District Court/Agency Location:	SOUTHERN DISTRICT OF CALIFORNIA		
Case Name:	JACOB GREGOIRE	v.	CALIFORNIA HIGHWAY PATROL, et al.
If District Court, docket entry number(s) of order(s) appealed from:	Doc. 46		
Name of party/parties submitting this form:	California Highway Patrol and Sergio Flores		

Please briefly describe the dispute that gave rise to this lawsuit.

On February 4, 2014, California Highway Patrol Officer Sergio Flores arrested Chula Vista Fire Department Engineer Jacob Gregoire on the grounds that Engineer Gregoire refused to follow CHP Officers' orders to move a fire truck that was blocking lanes at an accident scene. Officer Flores contends the orders were lawful and necessary to protect public safety. Engineer Gregoire contends the orders were unlawful and that his ensuing arrest was without probable cause. Engineer Gregoire also claims that the handcuffs were placed too tightly on his wrists.

Briefly describe the result below and the main issues on appeal.

The California Highway Patrol and Officer Sergio Flores brought a motion for summary judgment. These Defendants/Appellants argued that the arrest was supported by probable cause and that Officer Flores was entitled to qualified immunity. The District Court denied the motion. The main issue on appeal will be Plaintiff/Appellee's failure to show a violation of clearly established law. Plaintiff/Appellee also failed to raise genuine disputed issues of material fact to demonstrate a lack of probable cause for the arrest or the existence of excessive force.

Describe any proceedings remaining below or any related proceedings in other tribunals.

Prior to the Notice of Appeal, the matter was set for a final pretrial conference, during which the trial court would have set a trial date. There are no related proceedings.

Provide any other thoughts you would like to bring to the attention of the mediator.

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at ca09_mediation@ca9.uscourts.gov. Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

CERTIFICATION OF COUNSEL

I certify that:

a current service list with telephone and fax numbers and email addresses is attached
☒ (see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and service list
☒ may result in sanctions, including dismissal of the appeal.

Signature

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

Note: Use of the CM/ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **To file this form electronically** in CM/ECF, complete the form, and then print the filled-in form to PDF (File > Print > PDF Printer/Creator). Then log into CM/ECF and choose Forms/Notices/Disclosure > File a Mediation Questionnaire.